



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/154,562 11/19/93 FOGEL

A 900388

EXAMINER

DEES, J

12M2/0406

ANTHONY D. CIPOLLONE, ESQ.  
299 MARKET STREET  
P. O. BOX 542  
SADDLE BROOK, NJ 07662-0542

ART UNIT

PAPER NUMBER

1204

2

DATE MAILED:

04/06/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 16 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1 - 16 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1 - 16 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable.  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed on \_\_\_\_\_, has been  approved.  disapproved (see explanation).

12.  Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

Art Unit: 1204

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Page 12 of the specification is blurred and some of it is unreadable; it should be replaced by a clear and readable sheet. The top 9 lines and the last 4 lines of page 13 should be deleted. Page 20, line 2 should be deleted. Page 26, lines 1-2 should be cancelled and added as an amendment, because the lines are too close to the top of the page and now have holes punched through some words.

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 3, ---deionized--- is misspelled. Claims 2-4 are improper dependent claims, because they recite that the emollient ester is liquid, while claim 1 says that the ester is solid. In claim 5, "TO" is queried; ---carnauba--- is misspelled; ---candelilla--- is misspelled; "ozeberite" is queried; "paraffin TiO" is queried; and "Red #6 and 7" and "Blue #1 are also queried. Claims 6-8 are improper dependent claims, since they ultimately depend from claim 5 which recites that the ester is solid, while claims 6-8 say that the

Art Unit: 1204

ester is liquid. In claim 9 ---deionized--- is misspelled. Claim 10 is an improper dependent claim, because it recites that the ester is liquid, while depending from claim 9 which says the ester is solid. Claims 11-12 are improper dependent claims, because they recite an emollient lotion, but depend from claim which is a foundation lotion; they are also improper dependent claims, because they recite that the ester is liquid, while claim 1 says that it is solid. In claim 13, ---deionized--- is misspelled; "Heteester PHA", "penulen TR-2", and "Cupl PIC" are all proprietary names and not permitted in claims; the chemical equivalents should replace the same. Claims 14-16 are all improper dependent claims, because they recite the ester as liquid, while ultimately depending from claim 13, which says that the ester is solid.

The art from the parent case is made of record.

Claims 1-16 are rejected.

No claim is allowed.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera C. Clarke whose telephone number is (703) 308-1235.

Vera C. Clarke  
April 1, 1994



JOSE G. DEES  
SUPERVISORY PATENT EXAMINER  
GROUP 1200